

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VICTORIA DICKS, (seeking class
certification)

Plaintiff,

v.

BEN-AMUN CO., INC.

Defendants.

Docket No.: 1:22-cv-08150-LJL-VF

NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum Of Law In Support Of Its Motion To Dismiss Plaintiff's Complaint, Defendant Ben-Amun Co., Inc. ("Defendant"), through its undersigned attorneys, will move this Court before the Honorable Lewis J. Liman, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007-1312 on a date to be scheduled by this Court, for an Order: (1) pursuant to Fed. R. Civ. P. 12(c) dismissing Plaintiff's Complaint in its entirety with prejudice; and (2) awarding Defendant the costs and fees associated with this Motion, as well as such other and further relief as the Court deems just and proper..

Dated: February 6, 2023

Respectfully Submitted,

/s/Ben D Manevitz/

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AFFIDAVIT OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT of Defendant Ben-Amun Co., Inc., including the supporting Memorandum of Law was submitted to the Court by ECF, which serves opposing counsel as of course. In addition, a courtesy copy was emailed to Plaintiff's counsel of record at [mars@khaimovlaw.com].

Dated: February 6, 2023

Respectfully Submitted,

/s/Ben D Manevitz/

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